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13 UNITED STATES DISTRICT COURT  
14 SOUTHERN DISTRICT OF CALIFORNIA  
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16 LARRY McIVER,

Case No. 08cv0695 H (POR)

17 Plaintiff,

**JOINT MOTION FOR DISMISSAL**

18 v.

19 S. B. RESTAURANT CO. dba ELEPHANT  
20 BAR RESTAURANT; GUARANTY BANK,

21 Defendants.  
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1 PURSUANT TO A SETTLEMENT AGREEMENT AND RELEASE, it is hereby jointly  
2 requested, by Plaintiff, LARRY McIVER, and Defendants, S. B. RESTAURANT CO. dba  
3 ELEPHANT BAR RESTAURANT; that this Court enter a dismissal with prejudice of  
4 Plaintiff's complaint in the above-entitled action pursuant to Fed. R. Civ. P. 41.

5 The dismissal with prejudice shall dismiss the action in its entirety.  
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8 Dated: August 1, 2008 DISABLED ADVOCACY GROUP, APLC

9  
10 /s/ Lynn Hubbard III, Esq.

11 LYNN HUBBARD, III Esq.  
12 Attorney for Plaintiff

13 Dated: August 1, 2008 THARPE & HOWELL

14 /s/ Gary L. Angotti, Esq.

15 GARY L. ANGOTTI, Esq.  
16 Attorney for Defendants  
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF BUTTE

I, Lynn Hubbard III, am employed in the aforesaid County; I am over the age of 18 years and not a party to the within action; my business address is Williamsburg Lane, Chico, Butte County, California 95926.

On August 1, 2008, I caused to be served the document(s) described as: **JOINT MOTION FOR DISMISSAL** on the interested parties in this action as follows:

On all parties identified for Notice of Electronic Filing generated by the Court's CM/ECF filing system under the above referenced case number and case caption on this date in the following manner:

The following is a procedure in which service of this document was effected:

- (xx) ELECTRONIC SERVICE - by causing the document to be served via the Court's ECF Filing System.
- ( ) OVERNIGHT DELIVERY - by causing said envelope(s) to be delivered overnight via an overnight delivery service in lieu of delivery by mail to the addressee(s).
- ( ) FAX - by transmitting pursuant to Rules 2001 et seq., the above-described document(s) by facsimile machine (which complied with Rule 2003(3)). The transmission originated from facsimile phone number (530) 894-8244, and was reported complete without error. The facsimile machine properly issued a transmission report.
- ( ) PERSONAL SERVICE - by causing to be delivered such document by hand to the offices of the addressee(s).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: August 1, 2008      /s/ Lynn Hubbard, III  
Lynn Hubbard, III